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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0510**

April 4, 2006

The Honorable Condoleezza Rice  
U.S. Department of State  
2201 C Street NW,  
Washington, DC 20520

Dear Secretary Rice,

I am writing to share my deep concern with both the proposed agreement with India on nuclear cooperation that was announced on March 2 as well as implementing legislation that the administration has submitted to Congress. The March 2 agreement was arrived at with no congressional consultation; a recent article in the Washington Post reports that key nonproliferation concerns were ignored in the rush to achieve a deal; and the agreement itself raises a number of troubling concerns with respect to U.S. national security. As a member of the House Armed Services Committee who has long worked to better protect the United States against the threat of weapons of mass destruction, I am concerned that the U.S. - India deal, in its current form, does significant harm to global norms against the spread of the world's most dangerous technology; may harm U.S. national security interests in Asia; and offers little benefit in return.

I believe that the United States and India can and should expand their ties and common interests as free democracies through expanded cooperation in a number of areas. But stronger commercial ties should not come at the expense of a reduced effort to eliminate global dangers posed by nuclear weapons through effective nonproliferation and disarmament endeavors and ensuring universal compliance with nonproliferation rules and norms.

India has been outside the international nuclear mainstream since it used foreign-supplied peaceful nuclear technology to conduct its 1974 nuclear test and refused to sign the nuclear Nonproliferation Treaty (NPT). I welcome efforts to encourage India to abide by the best nonproliferation and disarmament practices and all relevant UN Security Council resolutions.

I have reviewed the statements of the President and administration officials concerning the proposal to renew full nuclear energy cooperation with India. The proposal would clearly be unprecedented and require significant exceptions to longstanding U.S. law and policy that restrict nuclear trade with states that do not accept full-scope international nuclear safeguards. Any proposal to make such changes for any country must, on

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balance, deliver exceptional and demonstrable nonproliferation and international security benefits.

**Several key principles must be adopted to strengthen the deal and I ask that you address them in your testimony tomorrow before the House International Relations Committee:**

**1) India must end the production of nuclear material.**

Any expansion of nuclear trade with India would have to ensure that U.S. nuclear trade with India does not, in any way, aid the nuclear weapons program of India, as required of the United States under Article I of the NPT. In my view, the strongest guarantee that expanded civil nuclear trade with India will not contribute to its nuclear weapons program would be for Congress to prevent broad nuclear trade until New Delhi agrees to end the production of fissile material for weapons. The proposal is silent on the subject of fissile production limits

**2) India should accept meaningful safeguards on all of its energy-producing nuclear facilities and materials.**

I am troubled by the fact that the civil-military separation plan offered by India and accepted by the administration only commits India to add 8 reactors to the 6 that are already scheduled to be under safeguards by 2014 and that it would remain up to India to decide whether it will designate future facilities as civilian and under safeguards. The plan would exclude from international safeguards a substantial set of military and civilian facilities and spent fuel that provide India with a substantial capability to increase its weapons arsenal. The value of these partial safeguards appears to be extremely limited in the absence of any constraints on India's nuclear weapons capabilities.

**3) The arrangement should bring India into conformance with the nonproliferation behavior expected of other advanced nuclear powers.**

Not only must India demonstrate that its export control and procurement practices meet the highest international standards, but it should, as the five original nuclear weapons states have done, formally commit to pursue nuclear disarmament, and formally commit to end nuclear testing. I would also note that four of the five original nuclear weapon states have also declared a halt to the production of fissile materials for nuclear weapons. China is also believed to have stopped such production.

**4) The deal must be approved by the Nuclear Suppliers Group.**

The proposal to extend full civil nuclear energy cooperation would not provide a net nonproliferation benefit if it undermined conformance with the voluntary rules established by the 45-nation Nuclear Suppliers Group. I am concerned that U.S. efforts to carve out a country-specific exemption from the rules of nuclear trade for India may lead other states to seek similar exceptions for their preferred economic or trading partners.

No U.S. or foreign nuclear assistance should be pursued without the consensus support of NSG membership.

**5) The deal must improve stability in the region.**

It is critical that conditions and requirements be built into the deal that promote security in the region. I do not believe it is in the security interests of the United States for India and neighboring countries such as Pakistan and China to continue their respective nuclear weapons and missile modernization programs unfettered. The United States must not forfeit opportunities to achieve nuclear restraint in the region while balancing the legitimate quest of these nations to meet their growing demand for energy. To this end, diplomatic initiatives, transparency and careful monitoring of the deal must be achieved to promote confidence throughout the region.

These are but a few of the important issues that must be carefully examined before granting any exemption for India from the Atomic Energy Act restrictions on nuclear trade with non-NPT states.

In sum, the proposal for civil nuclear cooperation with India appears to pose far-reaching and potentially adverse implications for U.S. nuclear nonproliferation goals and promises to do little to bring India any further into alignment with nonproliferation practices than it would be in the absence of the deal.

I look forward to your response to each of the five areas I have mentioned and to working with you as my colleagues and I examine this proposal in the weeks and months ahead.

Sincerely,

A handwritten signature in black ink, appearing to read "Ellen O. Tauscher", with a stylized, flowing script.

Ellen O. Tauscher  
Member of Congress